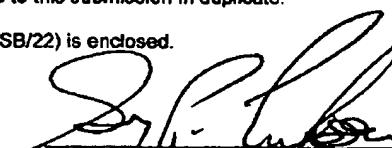


PTO/SB/31 (04-05)

Approved for use through 07/31/2008. OMB 0651-0031

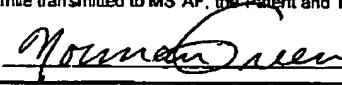
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) <b>564462001613</b>
In re Application of Walter CALLEN et al.		
Application Number <b>10/034,621</b>		Filed <b>December 21, 2001</b>
For <b>ENZYME HAVING HIGH TEMPERATURE POLYMERASE ACTIVITY AND METHODS OF USE THEREOF</b>		
Art Unit <b>1652</b>	Examiner <b>R. Hutson</b>	
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.		
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ <b>500.00</b>
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ <b>250.00</b>
<input type="checkbox"/> A check in the amount of the fee is enclosed.		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.		
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>03-1952</u> . I have enclosed a duplicate copy of this sheet. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.		
<input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.		
I am the		
<input type="checkbox"/> applicant /inventor.		
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>38,440</u>		
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.		
 <b>Gregory P. Einhorn</b> Type or printed name		
(858) 720-5133 Telephone number		
<u>October 14, 2005</u> Date		
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.		
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.		

I hereby certify that this correspondence is being facsimile transmitted to MS AF, the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: October 14, 2005

Signature:  (Norman Green)10/17/2005 LWNDIM1 00000006 031952  
02 FC:2201 250.00 DA

sd-284606